

CALIFORNIA ELECTIONS CODE SECTION 9235 TO 9247

REFERENDUM

§ 9235. Effective date of ordinances

No ordinance shall become effective until 30 days from and after the date of its final passage, except:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An ordinance for the immediate preservation of the public peace, health, or safety that contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the city council.
- (c) Ordinances relating to street improvement proceedings.
- (d) Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

§ 9236. Revenue bonds; joint powers entity; effective date of ordinances; petitions; ballot wording

- (a) Notwithstanding Section 9235, ordinances authorizing the issuance of revenue bonds by a city as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days.
- (b) When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the city described in subdivision (a) exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election. When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the city is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election.

(c) For the purpose of submitting the question to the voters pursuant to subdivision (b), the ballot wording shall approximate the following:

“Shall the _____ (city name), as a member of the _____ (joint powers entity name), authorize the issuance of revenue bonds by the joint powers entity in the amount of \$_____ pursuant to ordinance number _____, dated _____, the bonds to be used for the following purposes and to be redeemed in the following manner: _____?”

§ 9237. Petition signed by 10 percent of voters

If a petition protesting the adoption of an ordinance, and circulated by a person who meets the requirements of Section 102, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official’s last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.

§ 9237.2. Withdrawal of referendum by proponent; timing

The proponent of a referendum may withdraw the referendum at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

§ 9237.5. Petition procedure and submission of ordinance to voters to be governed by this code

The provisions of this code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections shall govern the petition procedure and submission of the ordinance to the voters.

§ 9238. Petition; declaration

(a) Across the top of each page of the referendum petition there shall be printed the following:

“Referendum Against an Ordinance Passed by the City Council”

(b) Each section of the referendum petition shall contain all of the following:

(1) The identifying number or title of the ordinance.

(2) Either of the following:

(A) The text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(B) An impartial summary of the referendum not to exceed 5,000 words prepared pursuant to the following procedure:

(i) Within three business days of the final passage of the ordinance, the referendum’s proponents shall file a copy of the proposed summary with the local elections official, who shall immediately transmit a copy of the proposed summary to the city attorney.

(ii) Within 10 business days the city attorney shall issue an approved summary to the local elections official and the referendum’s proponents for circulation. The city attorney may edit the summary prior to approval. All edits made to the summary shall be true and impartial and shall not contain argument or any matter likely to cause prejudice for or against the referendum. The city attorney may add the full text of the ordinance, or the portion of the ordinance that is the subject of the referendum, to the summary if doing so would not exceed the 5,000-word limit.

(iii) The summary shall include a link to a public website containing the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(iv) The 5,000 word limit imposed by this subparagraph shall include all attachments, exhibits, and other supplements to the summary.

(v) If the city attorney fails to issue an approved summary within 10 business days, the proposed summary submitted by the proponents shall be considered approved.

(vi) Notwithstanding Section 9235, proponents who circulate a referendum petition pursuant to this subparagraph shall have 30 days from the date the summary is

approved to submit a petition with the required number of signatures to the local elections official. The ordinance subject to the referendum petition shall not become effective until this period has expired.

(C) After the proponents begin circulating a referendum petition prepared pursuant to subparagraph (A) or (B), the proponents shall not circulate another version of the referendum petition prepared using the other method.

(c) The petition sections shall be designed in the same form as specified in Section 9020.

(d) Each section of the referendum petition shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022.

§ 9239. Determination of number of signatures; filing

Petitions shall be accepted for filing by the elections official and the determination of the number of signatures thereon shall be made by the elections official in accordance with Section 9210. Petitions shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours, as posted.

§ 9240. Examination of signatures

After the petition has been filed as herein provided, the elections official shall examine the petition and certify the results in the same manner as are county petitions in Sections 9114 and 9115 except that, for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

§ 9241. Submission to voters; time for holding election; effect of adverse vote

If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters,

and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

§ 9242. Circulation time limit

Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, within 30 days from the date of the adoption of the ordinance to which it relates. Petitions and sections thereof shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted. Petitions which are not filed within the time permitted by this section shall be void for all purposes.

§ 9243. Initiative provisions; application

Elections pursuant to this article shall be held in accordance with Sections 9217 to 9225, inclusive.

§ 9244. Veto

Whenever the legislative body of a city has voted in favor of the repeal of an ordinance protested against by the voters, as provided in this article, and the mayor, or like officer, has vetoed the repeal, the failure of the legislative body to pass the repeal over the veto shall be deemed a refusal to repeal the ordinance.

§ 9245. Date of final passage

If approval of an ordinance by the mayor or like officer is necessary, the date of approval shall be deemed the date of its final passage by the legislative body within the meaning of this article.

If an ordinance becomes law when the time for approval or veto has expired, and no action has been taken, the date of the expiration of that time shall be deemed the date of its final passage by the legislative body within the meaning of this article.

§ 9246. Election duties

Any duty imposed in this chapter upon the legislative body of a city with regard to calling a municipal election, or in connection with an election called pursuant to

this chapter, is likewise imposed upon any officer having any duty to perform connected with the election, so far as may be necessary to carry out this chapter.

§ 9247. Scope of chapter

Article 1 (commencing with Section 9200) and this article do not apply to cities having a charter adopted under Section 3 of Article XI of the California Constitution, and having in their charters any provision for the direct initiation of ordinances by the voters; nor to proceedings had for the improvement of streets in or rights-of-way owned by cities, the opening or closing of streets, the changing of grades or the doing of other work, the cost of which, or any portion of the cost which is to be borne by special assessments upon real property.